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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,157	10/20/2003	Andrew M. Spencer	10013891-1	9457
22879	7590	10/01/2008		
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER TRUONG, THANHNGA B	
			ART UNIT 2135	PAPER NUMBER
			NOTIFICATION DATE 10/01/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/689,157

Applicant(s)

SPENCER, ANDREW M.

Examiner

Thanhnga B. Truong

Art Unit

2135

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Thanhnga B. Truong/
Primary Examiner, Art Unit 2135

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments filed September 15, 2008 have been fully considered but they are not persuasive.

Applicant argued that:

"The combination of teaching between Mihm and Fujita fails to disclose or even suggest each element of claim 28, which has been amended to incorporate the elements of claim 30 (now is cancelled).

Examiner respectfully disagrees with the applicant and still maintain that:

reading the encrypted encryption keys from the magnetic random access memory; reading a master encryption key from a first non-volatile memory; and decrypting each one of the encryption keys using the master encryption key (paragraphs 0034-0035 and claims 7 and 13 of Mihm).

encrypting data using the encryption key (paragraphs 0034-0035 and claims 7 and 13 of Mihm); and writing the encrypted data to the magnetic random access memory (paragraphs 0034-0035 of Mihm).

Although Mihm teaches storage device as shown in paragraph 0034, Mihm is silent on the capability of showing the storage device is a magnetic memory or magnetic random access memory. On the other hand, Fujita teaches a magnetic memory or magnetic random access memory as shown in element 11 of Figure 1 and column 3, line 64 through column 4, line 6 of Fujita.

Mihm does teach the claimed subject matter. As a matter of fact, Mihm clearly discloses that the an encrypted unique identification number (EUID) 162 is stored on the rewriteable non-volatile memory 160. The EUID 162 is formed by encrypting the UID 152, for example with a master encryption key (see paragraph [0034] of Mihm). It is a common standard process of one skill in the art that a memory, such as rewriteable non-volatile memory 160, always has to perform a read and write operation in order to store and retrieve data (e.g. keys, master key, encryption key, or program) from this such memory. Besides, Figure 1 of the instant application shows the Master key memory 46, wherein said master key memory 46 is a flash memory, which is also a rewriteable non-volatile memory (see page 5, lines 30-31 of the specification) as set forth in claims 28 which incorporated the limitations of 30 (now is cancelled).

Applicant further argued that:

The combination of Mihm and Fujita fails to disclose or even suggest each element of at least independent claims 1 and 28, thus failing to establish prima facie obviousness.

Examiner respectfully disagrees with the applicant and still maintain that:

Mihm does teach the claimed subject matter. As mentioned above, Mihm clearly discloses that the an encrypted unique identification number (EUID) 162 is stored on the rewriteable non-volatile memory 160. The EUID 162 is formed by encrypting the UID 152, for example with a master encryption key (see paragraph [0034] of Mihm). It is a common standard process of one skill in the art that a memory, such as rewriteable non-volatile memory 160, always has to perform a read and write operation in order to store and retrieve data (e.g. keys, master key, encryption key, or program) from this such memory. Besides, Figure 1 of the instant application shows the Master key memory 46, wherein said master key memory 46 is a flash memory, which is also a rewriteable non-volatile memory (see page 5, lines 30-31 of the specification). Although Mihm teaches storage device as shown in paragraph 0034, Mihm is silent on the capability of showing the storage device is a magnetic memory. On the other hand, Fujita teaches a magnetic memory as shown in element 11 of Figure 1 and column 3, line 64 through column 4, line 6 of Fujita. Thus, the combination of teaching between Mihm and Fujita is proper.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, from the explanation above, the combination of teaching between Mihm and Fujita is efficient and proper.

Mihm and Fujita do not need to disclose anything over and above the invention as claimed in order to render it unpatentable or anticipate. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claimed limitations.

The fact that Examiner may not have specifically responded to any particular arguments made by Applicant and Applicant's Representative, should not be construed as indicating Examiner's agreement therewith.

For the above reasons, it is believed that the rejections should be sustained.